

Remarks/Arguments

Claims 117 and 121-124 have been amended.

The Examiner has objected to the numbering of claims as not being in accordance with 37 CFR 1.126 because two claims are numbered as claim 123. Applicants have changed the numbering of the claims to renumber the second claim 123 as claim 124, thereby obviating the Examiner's objection.

The Examiner has rejected applicants' claims 119-124 under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. The Examiner has argued that claim 119 appears to be a method claim stored (according to claim 121) on a computer readable medium and that the term "computer readable media" includes tangible media as well as intangible media such as signals, carrier waves, optical waves, etc. The Examiner has, however, noted that the term "storage medium" as exemplified in applicants' specification seems to be limited to include tangible media.

Applicant has amended applicants' claims 121-124 to recite "computer-readable storage medium" to clarify that the computer-readable medium is limited to tangible media, which is within the statutory categories of patent eligible subject matter of 35 USC 101. Applicant, therefore, believes that applicants' claims 121-124, as amended, are directed to statutory subject matter and are thus in compliance with 35 USC 101.

Applicant also submits that applicants' claim 119 is in compliance with 35 USC 101 because applicants' claim 119 is directed to a method which constitutes statutory subject matter under 35 USC 101. In particular, 35 USC 101 permits patents to be granted for any "new and useful process, machine, manufacture, or composition of matter" and 35 USC 100 defines the term "process" as "process, art or method, and includes a new use of a known

process, machine, manufacture, composition of matter, or material.” Moreover, applicants’ claim 119 recites method steps that produce concrete and tangible results, including steps of receiving electronic mail data addressed to a communication terminal, generating a text from the electronic mail data and sending the text to the communication terminal. Applicants’ claim 119 also recites tangible elements which are involved in performing the recited steps, such as a communication terminal and the maximum number of displayable characters of the communication terminal. Accordingly, applicants submit that applicants’ independent claim 119 is also in compliance with the requirements of 35 USC 101.

The Examiner has also rejected applicants’ claims 117 and 118 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In particular, the Examiner has argued that the limitations in claim 117 pertaining to managing settings, receive, determine, and send do not further limit the apparatus in its structure or functionality because of the use of the terminology “adapted to” preceding these limitations. Applicants have amended applicants’ independent claim 117 to delete the “adapted to” terminology and believe that claim 117 now particularly points out and distinctly claims the subject matter of applicants’ invention. Applicants therefore submit that applicants’ claims 117 and 118 are now in compliance with 35 USC 112, second paragraph.

The Examiner has also rejected applicants’ claim 117 under 35 USC 112, first paragraph, as failing to comply with the written description requirement including new matter. In particular, the Examiner has argued that claim 117 contains subject matter which is not described in the specification so as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time the application was

filed. Specifically, the Examiner has argued that there is no written description in the specification of the claimed terms “management unit,” “determination unit,” “reception unit” and “generation unit.” The Examiner has indicated that claim 117 would be allowable if rewritten or amended to overcome the rejections under 35 USC 112, second paragraph.

As discussed herein above, applicants have amended applicants’ claim 117 to overcome the rejections under 35 USC 112, second paragraph, by deleting the terminology “adapted to” from the claim. Moreover, applicants submit that the management unit, determination unit, reception unit and generation unit are disclosed in applicants’ specification as filed and thus, claim 117 does not include new matter.

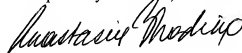
Specifically, the information providing apparatus recited in applicants’ claim 117 is disclosed on page 26, lines 2-12 of applicants’ specification. The management unit of applicants’ claim 117 is shown in FIG. 1 as the setting module 500 and net database 400 and described on page 15, line 14 to page 16, line 5 and on page 19, line 21 to page 22, line 5 of applicants’ specification, and in FIGS. 11-13 of applicants’ drawings. The reception unit and the sending unit of applicants’ claim 117 are shown in FIG. 3 as the communication module 304 in the determination module 200, and described on page 18, line 26 to page 19, line 6 of applicants’ specification. The first and second determination units of applicants’ claim 117 are shown as the determination module 200 in FIG. 1 and in steps S351 and S352, respectively, in FIG. 26A of applicants’ drawings, and described on page 35, lines 1-20 of applicants’ specification. Finally, the first and second generation units of applicants’ claim 117 are shown as the conversion module 300 in FIG. 1 and as steps S354 and S353, respectively, in FIG. 26A of applicants’ drawings, and described on page 35, lines 13-20 of applicants’ specification.

Based on the above, applicants believe that applicants' claim 117 does not include new matter that was not disclosed in the specification as filed, and thus, applicants' claim 117 is in compliance with 35 USC 112, first paragraph.

In view of the above, it is submitted that applicants' claims, as amended, are in compliance with 35 USC 101 and 35 USC, 112, first and second paragraphs, and are therefore allowable. Accordingly, reconsideration of the claims is respectfully requested.

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Respectfully submitted,



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